



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Urbanized Waters Subcommittee

Notes from August 5, 2003 Meeting

Meeting Attendees: Kathy Moore, Roland Tonn, Jerry Deschane, Jeff Christensen, Cheryl Nenn, Phil Gaudet, Gary Heinrichs, Linda Meyer, and Carmen Wagner

Carmen Wagner, DNR Shoreland/Floodplain Zoning Specialist, gave a presentation (available at: www.dnr.state.wi.us/org/water/wm/dsfm/shore/archive/Subcom.htm) on the history of the shoreland management program, the revision process for ch. NR115, Wis. Admin. Code, and the proposed changes to ch. NR115.

Following the presentation, Ms. Wagner asked the committee members to share the problems they have experienced with shoreland development in urbanizing areas. The problems included:

- Historic development patterns at densities greater than currently allowed by NR115
- Nonconforming lots
- Nonconforming structures
- Transition of small summer cottages to large year-round home on small lots
- Building size restrictions
- Investment in property
- Traffic issue

After discussing the problems, Ms. Wagner went through proposed changes to NR115 and the committee discussed how the changes would address the problems identified by the subcommittee. The issue that was not addressed by proposed changes was development on very small lots. The subcommittee proposed a third step be added to allow some reasonable use of small nonconforming lots. This process would allow some development with conditions to address the impacts of the development and prevent the need for variances in certain situations. The subcommittee also recognized that in some situations a lot would simply be too small to accommodate development.

The proposal from the subcommittee was:

Existing lots of record smaller than 7,000 square feet may be developed if all the following conditions are satisfied:

- The lot is sewered.
- A house, garage (attached or detached), and structures meeting the requirements of s. 59.592(1v), Wis. Stats., are the only structures allowed on the lot.
- The setbacks for structures on the lot shall be determined on a case-by-case basis. First, reduce the roadway setback as much as allowed. Then the ordinary high water mark (OHWM) may be reduced. The setbacks may be reduced until a building envelope 30 feet deep is created. The OHWM setback shall not be reduced beyond 40% of the depth of the lot. (For example, if the lot is 100 feet deep, the OHWM setback may not be reduced beyond 40 feet from the OHWM or if the lot is 50 feet deep, the OHWM setback may not be reduced beyond 20 feet from the OHWM.)

- The area of the structures on the lot may not exceed 1,500 square feet. For each 1-foot decrease in the OHWM setback beyond 35 feet from the OHWM, the maximum square footage allowed for structures on the lot shall be reduced 33 square feet. All levels of the structures count towards the cap on square feet, except the basement.
- The primary buffer must be restored on the lot. A 15-foot wide envelope is allowed around structures as turf.
- Best management practices (BMPs) must be implemented and maintained to control 90% of the post-construction runoff on the lot.
- All structures must either use buildings materials that are consistent with the Lower Wisconsin Riverway Standard Colorization Chart or native vegetation must be planted to screen all structures as viewed from the water.

The intent is for this language to be a third option for development of nonconforming lots. The NR115 Advisory Committee has already recommended that development may occur on nonconforming lots if the structure can be built in a compliant location. If there is not a compliant building location, then the roadway and OHWM setback may be reduced to create a 30-foot deep building envelope. The proposal developed by this subcommittee would be a third step in this process for those extremely small lots that cannot meet the requirements of the first two steps.